

RANDEL EDWARD PAGE, JR.

Plaintiff,

V.

**UNITED STATES OF AMERICA;
STATE OF TENNESSEE; EPIC
SYSTEMS CORPORATION, ET AL.;
CORVEL CORPORATION, ET AL.;
BAPTIST MEMORIAL HEALTH CARE
CORPORATION, ET AL.; METHODIST
LE BONHEUR HEALTHCARE, ET AL.;
THE WEST CLINIC, PLLC, ET AL.,**

Defendants.

Case No. 3:23-cv-00851

JUDGE CAMPBELL

MAGISTRATE JUDGE NEWBERN

**DEFENDANT EPIC SYSTEMS CORPORATION'S MEMORANDUM
IN OPPOSITION TO PLAINTIFF'S MOTION FOR DEFAULT**

Epic Systems Corporation (“Epic”), by and through its undersigned counsel, submits this Memorandum of Law in Opposition to Plaintiff’s Motion for Default (Dkt. 58) and in support states as follows.

On August 5, 2024, Plaintiff filed a “Request for Entry of Default” requesting that default be entered against Defendants “on the basis that the record on this case demonstrates that there has been fraud and failure to plead or otherwise defend as provided by Rule 55 of the Federal Rules of Civil Procedure.” (Dkt. 58). Plaintiff’s request should be denied because it is procedurally improper and completely unsupported by facts or law.

Epic is not, and never has been, in default. Epic was personally served with the Summons

and Complaint on October 2, 2023. (Dkt. 24). On October 20, 2023, Epic timely filed a Motion to Dismiss all claims in the Complaint. (Dkt. 20). On June 17, 2024, the Magistrate issued a Report and Recommendation recommending that all claims in the Complaint be dismissed for failure to state a claim. (Dkt. 48). On July 26, 2024, the Court adopted the Magistrate's Report and Recommendations dismissing all claims against all Defendants. (Dkt. 56). On July 30, 2024, Plaintiff filed "objections" to the Court's July 26 Order, which the Court interpreted as a Motion for Reconsideration and promptly denied same. (Dkt. 59).

Plaintiff has not and cannot establish that Epic "failed to plead or otherwise defend" this matter as required for relief under Fed. R. Civ. P. 55. Epic has never been in default; thus, the instant Motion/Request should be denied.

CONCLUSION

WHEREFORE, Epic respectfully requests that this Court deny Plaintiff's Motion for Default (Dkt. 58) and enter final judgment dismissing this matter.

Dated this 19th day of August, 2024.

Respectfully submitted,

QUARLES & BRADY LLP

By: /s/ Joel Tragesser

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Counsel for Defendant Epic Systems Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 2024, a true and exact copy of the foregoing document was served on all counsel of record via the Court's electronic filing system. I also hereby certify that a true and exact copy of the foregoing document was served via U.S. Mail on the following individual:

Randel Page
13535 Cathy Road
Byhalia, MS 38611

/s/ Joel Tragesser
Joel Tragesser